IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO 876 OF 1995

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE
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1. Whether Reporters of Local Papers may be
allowed to see the Order ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the
fair copy of the Order ?

4. Whether this case involves a substantial
question of law as to the interpretation of
the Constitution of India, 1950 of any Order
made thereunder?

5. Whether it is to be circulated to the Civil
Judge?

  CT CHAND
VERSUS
  VICE CHANCELLOR, GUJ AGRICULTURAL UNIVERSITY

Appearance:
  MR IS SUPEHIA for the Petitioner
  MR JR NANAVATI for the Respondent

CORAM : MR JUSTICE S.K. KESHOTE
Date of Order : 24/08/1999

C A V JUDGMENT

One of the contentions raised by the learned counsel for

the petitioner that the orders dated 27/7/93 of the disciplinary authority and 6/1/95 of the Appellate Authority are bad in law as the major penalty has been given to the petitioner without giving charge sheet and holding the departmental inquiry.

The learned counsel for the respondent states that the grievance made by the petitioner is correct.

In the result, this Special Civil Application succeeds and the same is allowed. Both the orders dated 27/7/93 and 6/1/95 are quashed and set aside. However, the acceptance of this writ petition will not come in the way of respondent to initiate fresh departmental inquiry in accordance with law.

In case the respondents decide to hold the inquiry against the petitioner then whatever the consequential benefits to be paid to him as a result of the quashing of the impugned orders in this Special Civil Application shall be as per the ultimate decision given in the fresh departmental proceedings. However, in case, where the respondents decide to not to hold the departmental inquiry, the petitioner shall be entitled for all the consequential benefits as a result of the quashing and setting of these two impugned orders.

Rule is made absolute with no order as to costs.

(S.K.Keshote, J.)
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